



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,207	01/31/2002	William Pat Price	K35A0877	5665

35219 7590 03/08/2005

WESTERN DIGITAL TECHNOLOGIES, INC.  
20511 LAKE FOREST DR. -C205  
LAKE FOREST, CA 92630

EXAMINER
----------

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/066,207

Applicant(s)

PRICE ET AL.

Examiner

Igor Borissov

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

Amendment received on 4/12/2004 is acknowledged and entered. Claims 2 and 5 have previously been canceled. Claims 1, 4, 21 and 26 have been amended. Claims 1, 3, 4 and 6-30 are currently pending in the application.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-4 and 6-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. (US 2002/0144262) in view of Bryant et al. (US 5,652,615).**

Plotnick et al. teach a system and method for alternative advertising in prerecorded media, comprising:

**As per claims 11, 21 and 26,**

- a. receiving a broadcast stream on a selected channel, the broadcast stream comprising a plurality of programming media segments and at least one rich media segment associated with the alternative presentation data being embedded within the plurality of programming media segments [0060]-[0063];
- b. commencing presenting the at least one rich media segment on the selected channel [0060]-[0063];
- c. saving the alternative presentation data if presenting the at least one rich media segment on the selected channel is interrupted prior to completely presenting the at least one rich media segment on the selected channel [0060]-[0063];

c. displaying the alternative presentation data associated with the at least one rich media segment if presenting the at least one rich media segment on the selected channel is interrupted prior to completely presenting the at least one rich media segment on the selected channel [0060]-[0063].

Plotnick et al. do not specifically teach that the alternative presentation data is presented for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented.

Bryant et al. teach a system and method for broadcast of composite programs including secondary program content such as advertisements; said system and method comprising a composite broadcast signal; said composite broadcast signal including a program base segment (813) (Fig. 8) and alternating fill segment (812); said alternating fill segment (812) comprising concurrently generated advertisement segments (C and D); wherein said concurrently generated advertisement segments (C and D) are synchronized to a common time-baze (Figs. 3, 4 and 8; C. 4, L. 40-56; C. 8, L. 35-48).

It would have been obvious to one having ordinary skill in art at the time the invention was made to modify Plotnick et al. to include that the alternative presentation data is presented for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented, as disclosed in Bryant et al. because it would advantageously allow to simplify the interactive presentation of different advertisement segments, and use less complex and expensive equipment at the transmitter and receiver sites, as specifically taught by Bryant et al. (C. 2, L. 7-14).

**As per claims 3-4**, Plotnick et al. teach said system and method wherein presenting the alternative presentation data occurs simultaneously with presenting of at least one of the programming media segments of the broadcast stream [0059]-[0060].

**As per claims 6-7, 9-10 and 11-12**, Plotnick et al. teach said system and method, comprising:

- storing tracking information for the presenting of the alternative presentation data [0059]-[0060];

- transmitting the tracking information for the presenting of the alternative presentation data for storage in a database [0059]-[0060];
- storing tracking information for the presenting of the at least one rich media segment [0059]-[0060];
- transmitting the tracking information for the presenting of the at least one rich media segment for storage in a database [0059]-[0060];
- storing tracking information for the interruption of presenting of the at least one rich media segment [0059]-[0060];
- transmitting the tracking information for the interruption of presenting of the at least one rich media segment for storage in a database [0059]-[0060]; [0065]; [0088].

**As per claims 8, 13-16, 18-20, 25 and 30**, see reasoning applied to claims 1, 21 and 26.

**As per claims 17, 22 and 27**, Plotnick et al. teach said system and method wherein the alternative presentation data is stored on a hard disk drive [0063]; [0102]-[0125].

**As per claims 23-24 and 28-29**, Plotnick et al. teach said system and method wherein a channel change generates the signal indicating the interruption of the rich media segment [0064]-[0065]; [0088].

### ***Response to Arguments***

Applicant's arguments filed 4/12/2004 have been fully considered but they are not persuasive.

In response to the applicant's argument that Bryant et al. do not teach the alternative presentation data as recited in claim 1, it is noted that Bryant et al. teach broadcasting of composite programs including secondary program content (advertisements). Specifically, the composite broadcast signal includes a program base segment (813) (Fig. 8) and alternating fill segment (812); said alternating fill segment (812) comprising concurrently generated advertisement segments (C and D); wherein

said concurrently generated advertisement segments (C and D) are synchronized to a common time-baze (Figs. 3, 4 and 8; C. 4, L. 40-56; C. 8, L. 35-48).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649 before April 13, 2005, and (571) 272-6801 after that date.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist before April 13, 2005, whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702 before April 13, 2005, and (571) 272-6812 after that date.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

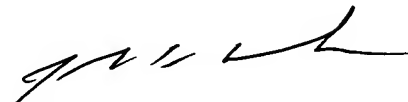
Application/Control Number: 10/066,207  
Art Unit: 3629

Page 6

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

  
COMMUNICATIONS SECTION  
RECEIVED  
MARCH 3 2005  
FAXED TO ARTIST

IB

03/03/2005